

Remarks

New claims 41-47 have been added to recite additional features of the invention. The features are described in the patent specification and no new matter was added. Detailed arguments in support of patentability of these claims are presented and examination is respectfully requested.

New Claims

Independent claim 41 has been added to recite that a hinge extends at an angle between a front side and a side of the deck wherein a guard is pivotally attached to the deck by the hinge. Dependent claim 42 has been added to recited that the angle of the hinge is an obtuse angle. Dependent claim 43 has been added to recite that the guard comprises the flap extending from the guard and being movable in relationship to the guard and is oriented in a plane spaced apart from the plane of the guard. Dependent claim 44 has been added to recite that the angle is formed between 12 o'clock and 2 o'clock positions in relation to the front side of the deck.

Independent claim 45 has been added to recite that the deck comprises a front side, a back side, and a pair of side walls extending between the front and back sides. The hinge extends at an obtuse angle in relation to the front side and one of the side walls. Dependent claim 46 recites that the flap extends from the guard and is movable in relation to the guard and is oriented in a plane spaced apart from the plane of the guard. Dependent claim 47 recites that the angle is formed between 12 o'clock and 2 o'clock positions on the front side of the guard.

The meaning of "front side" is explained in the instant patent specification and Figures 3A, 3B, 4A, and 5A. It is there stated that "a further advantage of the

present invention is the provision of a mower head with a guard which can be installed either in front of an angled main deck or above the main deck." (see page 5, lines 20-23). "Two of the deck sides are normal to each other and a third of the deck sides is positioned at an acute angle in relation to the other two deck sides". (see page 3, line 25 to page 4, line 2). Moreover, "(t)he guard is lifted at an angle with respect to the path of travel of the deck and is pulled toward the center of the deck, as shown in Figure 6." (see page 10, lines 17-20). Figures 3A and 6 best illustrate that the angle is formed between 12 o'clock and 2 o'clock positions with respect to the front side of the deck.

None of the prior art cited by the Examiner in the last Office Action of August 9, 2001 discloses or suggests a guard which is formed on a front side of the deck and is positioned at an angle with respect to the front side. The claimed invention recites a guard that is hinged to be lifted rearward on an angle which allows the cutter blades to be exposed and thus be able to cut trees, bushes, etc. at a 2 o'clock as well as a 12 o'clock position on the front of the guard. Rogers, et al. (U.S. Patent No. 3,369,350) does not allow exposure of the blades for cutting. Rather, guards 32, 34 are present on the rear of the cutter and are used to prevent items from being thrown rearwardly as they are being cut. Referring to Figure 1 of the patent, the guards 32, 34 are positioned at a rear end of the shredder 10 which is pulled behind a tractor 14.

Thagard, et al. (U.S. Patent No. 5,657,620) discloses a folding shroud section 165 or a chain drape 364 on a shroud 360 which are positioned on a rear end of the cutting device 100. Thus, Thagard does not disclose or suggest a folding guard which is mounted on a front end of the cutting guard. Furthermore, the shroud 160 or 360

are not positioned at an angle with respect to the cutting device.

Stevens (U.S. Patent No. 4,282,704) has a guard in the form of extension 41 which protrudes forward, not downward, as shown in Figures 2 and 3 of the patent. The extension serves as a guard which pivots from horizontal to vertical positions. While the extension 41 appears to be at the front of the mower, it is not positioned at an angle with respect to the front of the mower.

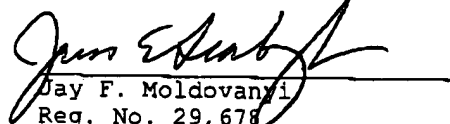
Gullett (U.S. Patent No. 4,378,668) discloses a guard 24 positioned at a front of the deck 14. However, as with Stevens, the guard 24 is not positioned at an angle with respect to the front of the mower housing 14. Accordingly, none of the prior cited by the Examiner discloses or suggests a mower deck having a guard positioned at an angle with respect to the front of the deck. Accordingly, new claims 41-47 are believed to be patentably distinct over the previously cited prior art, and are in condition for allowance.

CONCLUSION

All formal and informal matters having been addressed, it is respectfully submitted that this application is in condition for allowance. It is believed that the new claims 41-47 are in condition for allowance and are patentably distinct over the prior art of record. Accordingly, entry of the amendment is respectfully requested. Early notice to that effect is earnestly solicited.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & MCKEE, LLP


Jay F. Moldovan
Reg. No. 29,678
James E. Scarbrough
Reg. No. 47,056
1100 Superior Avenue
Seventh Floor
Cleveland, Ohio 44114-2518
(216) 861-5582

N:\CRT\20017\BJW0716A.WFD